

03500.013231.2



IFW
1725

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
YOSHIFUMI TAKEYAMA ET AL.) : Examiner: M. Elve
Application No.: 09/840,893) : Group Art Unit: 1725
Filed: April 25, 2001) :
For: NON-CONTACT TREATMENT)
METHOD : October 4, 2004

Mail Stop Petitions

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW HOLDING
OF ABANDONMENT UNDER 37 C.F.R. § 1.181(a)**

Sir:

Applicants respectfully request that a holding of abandonment indicated in the Notice of Abandonment issued in the above-identified application on March 15, 2004 be withdrawn. Applicants have previously twice requested such a course of action. A first request to withdraw the erroneously-issued Notice of Abandonment was filed on March 26, 2004, together with a copy of the Amendment in response to the July 16, 2003 non-final Office Action, as evidenced by the attached copy of the return postcard bearing the Patent and Trademark Office's official stamp of receipt, and all documents filed on March 26, 2004, bearing the Patent and Trademark Office's official stamp of receipt. This filing is clearly timely under 37 C.F.R. § 1.181(f).

Subsequently, Applicants' undersigned attorney was advised by a representative at

the Petitions Branch on June 29, 2004 that the above-mentioned request was not in the official file for the subject application at that time, and Applicants' attorney was requested to resubmit the previously-filed documents.¹

Applicants complied with the June 29, 2004 request from the Patent and Trademark Office representative by filing a second request for withdrawal of abandonment and resubmitting copies of the first request and all its attachments as outlined above on July 1, 2004. Copies of the second request and all of its attachments are enclosed.

Applicants' undersigned attorney has now been advised by the Examiner in charge of the above-identified application to submit yet another request to ensure proper processing. This paper is such a request.

FACTS RELATED TO NOTICE OF ABANDONMENT

The Notice of Abandonment states that the application has been abandoned for failure to make a timely reply to the non-final Office Action mailed July 16, 2003, which set a three month shortened statutory period for response. However, Applicants submit that an Amendment in response to the July 16, 2003 non-final Office Action was timely filed in the Patent and Trademark Office on October 16, 2003, as evidenced by the attached copy of the return postcard bearing the Patent and Trademark Office's official stamp of receipt. Applicants note that the stamped return postcard is *prima facie* evidence that the Amendment was timely filed in the Patent and Trademark Office, and that the present application therefore was not in fact abandoned. A copy of the Amendment originally filed on October 16, 2003 was included

^{1/} Since the Image File Wrapper of the present application now contains copies of all documents filed by Applicants on March 26, 2004 (copies attached), it is believed that these documents were not yet scanned, or were in a process of being scanned, on June 29, 2004.

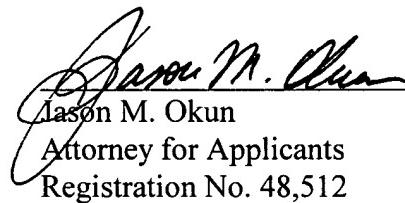
with both the March 26, 2004 and the July 1, 2004 requests and is attached herewith as mentioned above.

In view of the foregoing, it is respectfully requested that the holding of abandonment and the erroneous Notice of Abandonment be withdrawn, and that the present application be returned to pending status.

It is believed that no fee is required for action on this Petition (see M.P.E.P. § 711.03(c)(I)); for any fee that is required, please charge Deposit Account 06-1205.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



Jason M. Okun
Attorney for Applicants
Registration No. 48,512

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

NY_MAIN 456269v1

03500.013231.2



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
YOSHIFUMI TAKEYAMA ET AL.) : Examiner: M. Elve
Application No.: 09/840,893) : Group Art Unit: 1725
Filed: April 25, 2001) :
For: NON-CONTACT TREATMENT)
METHOD : June 30, 2004

Mail Stop Petitions

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SECOND REQUEST FOR WITHDRAWAL OF
ERRONEOUSLY-ISSUED NOTICE OF ABANDONMENT

Sir:

Applicants respectfully request that a Notice of Abandonment issued in the above-identified application on March 15, 2004 be withdrawn. Applicants previously filed a Request to withdraw this erroneously-issued Notice of Abandonment on March 26, 2004, together with a copy of the Amendment in response to the July 16, 2003 non-final Office Action, as evidenced by the attached copy of the return postcard bearing the Patent and Trademark Office's official stamp of receipt. However, Applicants' undersigned attorney was advised by a representative at the Petitions Branch on June 29, 2004 that the above-mentioned Request is not in the official file for the subject application. Applicants' attorney was requested to resubmit the previously-filed documents. Such documents are attached hereto.

The Notice of Abandonment states that the application has been abandoned for failure to make a timely reply to the non-final Office Action mailed July 16, 2003, which set a

three month shortened statutory period for response. However, Applicants submit that an Amendment in response to the July 16, 2003 non-final Office Action was timely filed in the Patent and Trademark Office on October 16, 2003, as evidenced by the attached copy of the return postcard bearing the Patent and Trademark Office's official stamp of receipt. Applicants note that the stamped return postcard is *prima facie* evidence that the Amendment was timely filed in the Patent and Trademark Office, and that the present application therefore was not in fact abandoned.

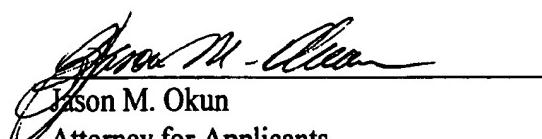
For the Patent and Trademark Office's convenience, a copy of the Amendment originally filed on October 16, 2003 is attached.

It is believed that no fee is required for action on this Request; for any fee that is required, please charge Deposit Account 06-1205.

In view of the foregoing, it is respectfully requested that the erroneous Notice of Abandonment be withdrawn, and that the present application be returned to pending status.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



Jason M. Okun
Attorney for Applicants
Registration No. 48,512

FITZPATRICK, CELLA, HARPER & SCINTO
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Facsimile: (212) 218-2200

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Mail Stop Petitions
Commissioner for Patents

P.O. Box 1450
Alexandria, VA 22313-1450

Date 3, 26, 04
Mo. Day Yr.

Atty. Docket 03500.013231.2
Application No. 09/840,893

Sir:

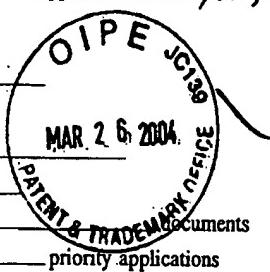
Kindly acknowledge receipt of the accompanying:

- Response to Official Action _____
- Check for \$ _____ (claims fee)
- Petition under 37 CFR 1.136 and Check for \$ _____
- Notice of Appeal and Check for \$ _____
- Information Disclosure Statement, PTO-1449 and _____
- Claim for priority and certified copies of _____ priority applications
- Issue fee transmittal and Check for \$ _____
- Other (specify) *Request for withdrawal of erroneously - issued notice of abandonment copy of 10/16/03 Amendment & Post-*
by placing your receiving date stamp hereon and mailing or returning to deliverer. card.

Atty. JMO

Due Date N, 0, 0
Mo. Day Yr.

37 CFR 1.8
37 CFR 1.10
By Hand



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03500.013231.2



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

YOSHIFUMI TAKEYAMA ET AL.

Application No.: 09/840,893

Filed: April 25, 2001

For: NON-CONTACT TREATMENT
METHOD

) Examiner: M. Miggins

) Group Art Unit: 1725

)
March 25, 2004

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR WITHDRAWAL OF
ERRONEOUSLY-ISSUED NOTICE OF ABANDONMENT

Sir:

Applicants have received a Notice of Abandonment dated March 15, 2004, in the above-identified application. The Notice of Abandonment states that the application has been abandoned for failure to make a timely reply to the non-final Office Action mailed July 16, 2003, which set a three month shortened statutory period for response. However, Applicants submit that an Amendment in response to the July 16, 2003 non-final Office Action was timely filed in the Patent and Trademark Office on October 16, 2003, as evidenced by the attached copy of the return postcard bearing the Patent and Trademark Office's official stamp of receipt. Applicants note that the stamped return postcard is *prima facie* evidence that the Amendment was timely filed in the Patent and Trademark Office, and that the present application therefore was not in fact abandoned.

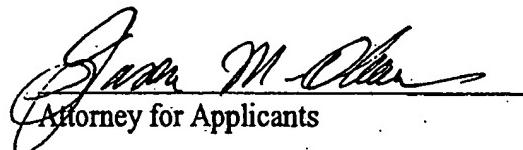
For the Patent and Trademark Office's convenience, a copy of the Amendment
originally filed on October 16, 2003 is enclosed herewith.

It is believed that no fee is required for action on this Request; for any fee that is
required, please charge Deposit Account 06-1205.

In view of the foregoing, it is respectfully requested that the erroneous Notice of
Abandonment be withdrawn, and that the present application be returned to pending status.

Applicants' undersigned attorney may be reached in our New York office by
telephone at (212) 218-2100. All correspondence should continue to be directed to our
address given below.

Respectfully submitted,



Attorney for Applicants

Registration No. 48,512

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Facsimile: (212) 218-2200

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date 10, 16, 03
Mo. Day Yr.
Atty. Docket 09500.03231.2
Application No. 09/840,893

Sir:

Kindly acknowledge receipt of the accompanying:

- Response to Official Action, dated 7/16/03
 Check for \$ _____ (claims fee)
 Petition under 37 CFR 1.136 and Check for \$ _____
 Notice of Appeal and Check for \$ _____
 Information Disclosure Statement, PTO-1449 and _____
 Claim for priority and certified copies of _____
 Issue fee transmittal and Check for \$ _____
 Other (specify) _____

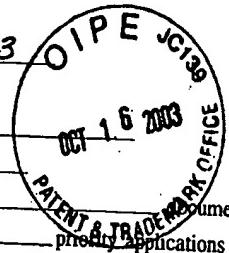
by placing your receiving date stamp hereon and mailing or returning to deliverer.

Atty. JMO

Due Date 10, 16, 03
Mo. Day Yr.

37 CFR 1.8
37 CFR 1.10
By Hand

00-B-SH-FC



PATENT & TRADEMARK OFFICE
for documents
prior to Applications

03500.013231.2



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
YOSHIFUMI TAKEYAMA ET AL.)
Application No.: 09/840,893)
Filed: April 25, 2001)
For: NON-CONTACT TREATMENT)
METHOD : October 15, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

Sir:

A. Introductory Comments

In response to the Office Action dated July 16, 2003, please amend the application as follows and consider the following remarks.

B. Amendment to the Claims

Please cancel claim 27 without prejudice or disclaimer.

Please amend claims 17 and 18 as follows.

1-16. (Cancelled)

17. (Currently Amended) A non-contact treatment method of carry out treatment by using an energy supply means for supplying energy, which comprises placing a non-adhering medium capable of absorbing the energy on a material to be treated, and irradiating the non-adhering medium with the energy, wherein the treatment is cutting or welding and the cutting or welding is carried out on a back side of the non-adhering medium capable of absorbing the energy, which said back side is opposite to a beam irradiation side.

18. (Currently Amended) A non-contact treatment method according to claim 17, wherein a surface of the non-adhering medium closely contacting the material to be treated has a surface roughness of 0.1 nm to 5,000 nm in root mean square.

19. (Original) A non-contact treatment method according to claim 17, wherein the non-adhering medium has at least a polymer film.

20. (Original) A non-contact treatment method according to claim 17, wherein the non-adhering medium is a magnetic tape.

21. (Original) A non-contact treatment method according to claim 20,
wherein a magnetic surface of the magnetic tape is closely contacted with the material to be
treated.

22. (Original) A non-contact treatment method according to claim 17,
wherein the non-adhering medium absorbs 10% or more of a light having a wavelength of
 $0.4 \mu\text{m}$ to $2.0 \mu\text{m}$.

23. (Original) A non-contact treatment method according to claim 17,
wherein the energy is light, heat, or electromagnetic waves.

24. (Original) A non-contact treatment method according to claim 17,
wherein the non-adhering medium is irradiated with the energy while pressing the non-
adhering medium against the material to be treated.

25. (Original) A non-contact treatment method according to claim 17,
wherein the non-adhering medium is removed by irradiation of the energy.

26. (Original) A non-contact treatment method according to claim 17,
wherein the non-adhering medium is removed after the energy irradiation.

27. (Cancelled)

28. (Original) A non-contact treatment method according to claim 17,
wherein the non-adhering medium is supplied from a roll of the non-adhering medium, and
after the energy irradiation, is wound up.

29. (Original) A non-contact treatment method according to claim 17,
wherein the material to be treated is an electrode of an electric part.

30. (Original) A non-contact treatment method according to claim 17,
wherein the material to be treated is an electrode of a photovoltaic element.

31. (Original) A non-contact treatment method according to claim 17,
wherein the material to be treated is a material having a high reflectance with respect to
energy irradiation.

32-39. (Cancelled)

C. Remarks

The claims are 17-26 and 28-32, with claim 17 being the sole independent claim. Claim 27 has been cancelled. Claim 17 has been amended to include the features of cancelled claim 27 and to better define the present invention. Support for this amendment may be found throughout the specification and the drawings. Claim 18 has been amended to correct an informality. No new matter has been added. Reconsideration of the claims is expressly requested.

Claim 18 has been objected to because of an informality. Applicants have corrected the informality and respectfully request withdrawal of the objection.

Claim 21 stands rejected under 35 U.S.C. § 112, second paragraph, as being allegedly indefinite. Specifically, the Examiner has alleged that the phrase "closely contacted with the material" is inconsistent with the recitation in claim 17 that the medium is on the material to be treated. This rejection is respectfully traversed.

According to the present application, the medium may be placed on the material to be treated and yet not be "closely contacted" therewith. In particular, as noted in the original specification on page 39, lines 5-9, if the surface roughness of the non-adhering medium is more than 5,000 nm in root mean square, the medium does not closely contact the material to be treated even if the medium is placed on the material. Accordingly, it is clear that claim 21 is consistent with claim 17 and the indefiniteness rejection should be withdrawn.

Claims 17, 19-24, 26, 27 and 31 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 4,603,089 (Bampton). Claims 17, 19-21

and 23-27 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 5,321,227 (Fuchs). Claims 29 and 30 stand rejected under 35 U.S.C. § 103(a) as being allegedly obvious from Bampton or Fuchs. The grounds of rejection are respectfully traversed.

Prior to addressing the merits of rejection, Applicants would like to briefly review some of the features of the presently claimed invention. The present invention, as is now claimed, is directed to a non-contact treatment in which a non-adhering medium capable of absorbing the energy is placed on a material to be treated and is irradiated with energy. The treatment is cutting or welding, which is carried out on a back side of the non-adhering medium capable of absorbing the energy, i.e., a side opposite to a beam irradiation side.

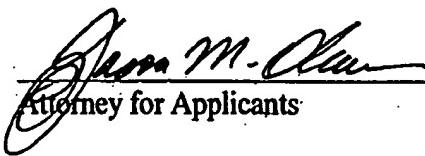
Bampton is directed to laser welding of sandwiched structures. Bampton, however, does not disclose or suggest that welding is carried out on a back side of the non-adhering medium capable of absorbing the energy. Accordingly, this reference cannot anticipate the presently claimed invention or render it unpatentable.

Fuchs cannot provide the teachings missing in Bampton. Fuchs is related to the deep cutting of a material covering a substrate using a laser beam. However, like Bampton, Fuchs fails to disclose or suggest the presently claimed treatment carried out on a back side of the non-adhering medium capable of absorbing the energy. Accordingly, whether considered alone or in combination with Bampton, Fuchs cannot affect the patentability of the presently claimed invention.

Wherefore, Applicants respectfully request that the outstanding rejection be withdrawn and that the present case be passed to issue. It is also respectfully requested that the Examiner acknowledge Applicants' claim to priority from U.S. Application No. 09/219,597 under 35 U.S.C. §§ 120 and/or 121.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



Attorney for Applicants

Registration No. 48,512

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

NY_MAIN 382126v1



03500.013231.2

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
YOSHIFUMI TAKEYAMA ET AL.) : Examiner: M. Miggins
Application No.: 09/840,893) : Group Art Unit: 1725
Filed: April 25, 2001)
For: NON-CONTACT TREATMENT)
METHOD : March 25, 2004

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**REQUEST FOR WITHDRAWAL OF
ERRONEOUSLY-ISSUED NOTICE OF ABANDONMENT**

Sir:

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Attorney for Applicants
Registration No. 48,512

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

NY MAIN 417416v1

MAR 26 2004
PATENT & TRADEMARK OFFICE

Commissioner for Patents

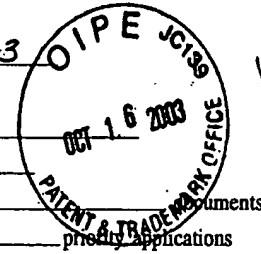
P.O. Box 1450
Alexandria, VA 22313-1450Date 10, 16, 03
Mo. Day Yr.
Atty. Docket 09500, 013231.2
Application No. 09/840,893

Sir:

Kindly acknowledge receipt of the accompanying:

- Response to Official Action, dated 7/16/03
 Check for \$ _____ (claims fee)
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Atty. JMODue Date 10, 16, 03
Mo. Day Yr.37 CFR 1.8
37 CFR 1.10
By Hand **BEST AVAILABLE COPY**



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:
YOSHIFUMI TAKEYAMA ET AL.)
Application No.: 09/840,893)
Filed: April 25, 2001)
For: NON-CONTACT TREATMENT)
METHOD : October 15, 2003

Commissioner for Patents
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Claim 18 has been objected to because of an informality. Applicants have corrected the informality and respectfully request withdrawal of the objection.

Claim 21 stands rejected under 35 U.S.C. § 112, second paragraph, as being allegedly indefinite. Specifically, the Examiner has alleged that the phrase "closely contacted with the material" is inconsistent with the recitation in claim 17 that the medium is on the material to be treated. This rejection is respectfully traversed.

According to the present application, the medium may be placed on the material to be treated and yet not be "closely contacted" therewith. In particular, as noted in the original specification on page 39, lines 5-9, if the surface roughness of the non-adhering medium is more than 5,000 nm in root mean square, the medium does not closely contact the material to be treated even if the medium is placed on the material.

Accordingly, it is clear that claim 21 is consistent with claim 17 and the indefiniteness rejection should be withdrawn.

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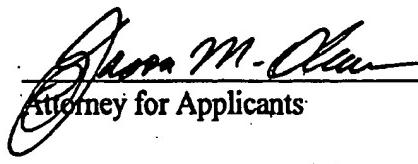
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